Secl. H-19—15,502—6-15-25.

Law (General) (1925) Department.

(Ordy) SERIES.

G.O. No. 454.

DATED 12/2/25

[Despatch Abstract.]

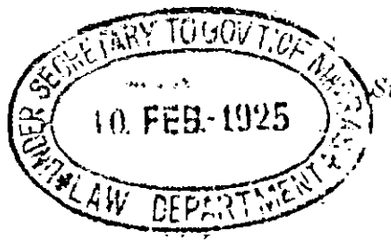
Narayana Rao N. Mrky

Sarishtadar Sub court Mangalore
retention in Service after 60 years, and
certain other requests — refused

C.F. 29--35,826—17-12-21.

DEPARTMENT.

Received ..... 192 *Registered* 192



Subject.

1. 5770 B
10/2/25

ENCLOSURES.
No. .....
.....
Spare copies .....

Urgent

R.O.C. No. 115/25.

Station Madras, *Dated the* 10th February 192 5.

From (Name) F.C.Butler Esquire, M.A., I.C.S.,

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,

Law (General) Department.

(with enclosures)

Sir,

I am directed to forward for orders of Government an application from M.Naraina Rao, Sheristadar of the Sub Court, Mangalore with the recommendation of the Sub Judge and copies of letters from the District Judge forwarding the application and the Accountant General, regarding the applicant's retention in service after 60 years, leave, increment, enhanced pension etc. I am to state the petitioner is due to retire on the 15th instant and to request that very early orders of Government may be obtained on the petitioner's first three prayers contained in the

petition as they cannot be granted without the sanction of the Local Government. The Hon'ble the Judges are inclined to reject the 4th prayer.

I have the honour to be

Sir,

Your most obedient servant,

Registrar.

P.M.

Copy of letter D.No.45 dated 6th January 1925 from the District Judge, South Kanara.

I have the honour to forward herewith an application by the Sheristadar of the Subordinate Judge's Court, Mangalore, for such orders as the High Court deem fit to pass in respect of the requests contained in the application. The applicant is nearing 60 years of age and is on the verge of retirement.

Copy of letter No.S.K.1-614 dated 31st January 1925 from the Accountant General, Madras.

With reference to your letter No.R.C.C.115/25, dated 23rd January 1925 forwarding the petition of Mr.Narsina Rao, Sarishtadar, Sub Court, Mangalore, regarding his retention in service after 60 Years, leave increment, enhanced pension etc. I have the honour to state that the petitioner's extension of service after the age of 60 years requires the sanction of the Local Government. Vide Rule 56 (b) of the Fundamental Rules. His leave during the extension should be regulated only by Fundamental Rule 86 and the Subsidiary rules thereto, unless the Local Government specially exempts him from the operation of the same. The sanction of the Local Government is necessary

Page 24 Col (B)

Para 25 Col (E)

for the grant of a premature increment under Fundamental Rule 27.

Page 9 infra

The sanction of the Secretary of State is necessary to grant the request of the petitioner in item 4 of para 12 of his application. Vide article 924 (a) of the Civil Service Regulations.

P.M.

4

To

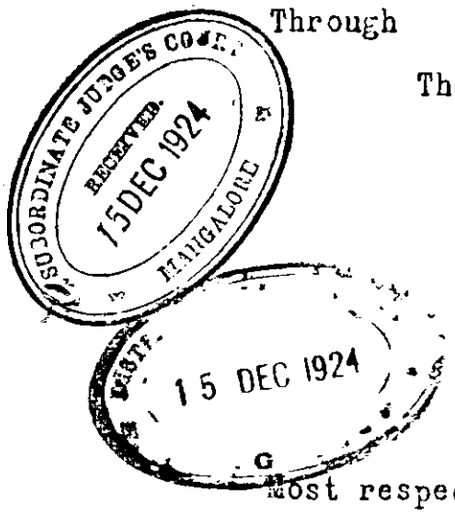
The District Judge of

South Kanara.

Through

The Subordinate Judge,

Mangalore.



Humble petition of M. Naraina Rao, Sheristadar, Subordinate Judge's Court, Mangalore.

Dated, 12th December 1924.

Most respectfully showeth,

That the petitioner is one of the oldest and seniormost members of the Judicial Establishment in the Presidency. He is now 59 years and 10 months old and has put in a total service of 40 years and odd. As the time for petitioner's retirement is drawing near, and as his circumstances compel him to seek certain special concessions, he begs leave to submit a brief history and the peculiar features of his humble career by way of an appeal for your honour's kind sympathy and support.

2. That petitioner had at first joined the Medical Department as a stipendiary apprentice for the Apothecary's line, after undergoing a competitive examination; but after three months he discovered his inaptitude for the said Department, and so for the sake of an honest though modest living he joined the Judicial Department at the age of 19 years as a ~~process writer~~ clerk on Rs. 12 per mensem in a District Munsif's Court, in April 1884, when there was only one Graduate (late Mr. U. Narasinga Rao) and no other F.A. than the petitioner in the Department in this district. After 20 years' hard, steady and honest work in different Munsif's Courts and in different capacities he rose gradually to the post of Head Clerk in the old Sub Court at Mangalore in 1904.

3. That it took another 4 years for petitioner to rise to the present post of Sheristadar which he has been holding for the last 16 years from 1908. As such he was drawing during the first 12 years a uniform rate of pay at Rs. 100 per mensem. The present time-scale (125-5-150) was sanctioned only at the eleventh hour i.e., more than a year after petitioner's attainment of his 55th year in February 1920, and so he is now drawing only Rs. 140 per mensem. He is unable to reach the maximum (Rs. 150), or to draw even his next increment accruing from 1-3-1925, as he is to retire on the completion of his 60th year, just a fortnight before the last mentioned date.

4. That the old Sub Court of this district became an itinerant court from February 1906, when petitioner was merely a Head Clerk on Rs. 60. In that capacity or as acting or permanent Sheristadar he followed that Court with much inconvenience and hardship to himself and his family to 5 distance stations in other districts viz. Chittoor, Salem, Masulipatam, Ellore and Bellary. Petitioner became the permanent Sheristadar of the said Court in March 1908, while at Masulipatam.

5. That in July 1909 when a new itinerant Court was established for South Kanara and North Malabar, petitioner was transferred from Bellary to this Court as Sheristadar, and as such he had to move with the Court to Tellicherry twice, and work there temporarily with similar inconvenience as before, until this Court was permanently located at Mangalore from January 1914. Thus from 1906 to 1913 petitioner had peculiar responsibilities to bear and difficulties to undergo, and perhaps there is hardly any other instance of this kind in the Judicial Department.

6. That petitioner's three predecessors-in-office, the last of whom was Mr. U. Narasinga Rao referred to in paragraph 2 supra, eventually rose to the highest rung in the ladder (viz., the Sheristadar's post in the District Court) in due time and very deservedly, but when petitioner's turn arrived

in 1915 according to seniority, he was bitterly disappointed by the then District Judge who was pleased to adopt a new policy altogether in the matter of promotions.

7. That another peculiar feature which petitioner desires to bring to your honour's notice is that during his long official career, he availed himself of only about 2 years' leave as particularised below, so that his <u>active</u> service extended over a period of no less than 36 years.--

		Y.	M.	D.
From 1885 to 1889.	(1) Leave without pay (in 3 instalments). - -	0	10	12.
	(2) Medical leave on half pay. - - -	0	0	14.
1905 to 1909	(3) Privilege leave on full pay under the Civil Service Regulations.	0	7	29.
1922 to 1924.	(4) Leave on full pay under the Fundamental Rules. -	0	5	2
	Total.	1	11	27.

8. Petitioner begs to add that during the early portion of his career, for a period of 15 or 16 years (i.e., from 18-3-1889 to 2-1-1905), he worked with a continuous strain as 2nd clerk or Head Clerk in a Munsif's Court, without taking any kind of leave whatever, not even the privilege leave <u>on full pay</u> which was due to him on the score of having remained in attendance in the Court during the vacations under the District Munsif's orders, for receiving plaints <u>etc.</u> This latter arrangement was necessary according to the practice which prevailed at that time. It is only after he came to the Sub Court that he was able to enjoy some privilege leave on full pay during the years 1905 to 1909 as shown above.

9. Again, petitioner did not avail himself of any leave during the next ~~19~~ two years 1920 & 1921. Under the simplified Leave Rules introduced in ~~August~~ September 1920 petitioner could have

* vide G.O. No 847/22-9-20 & G.O. No 1068/20-12-20 - Finance Dept.

availed himself of ~~any~~ furlough on full pay before the end of the year 1921 (as some of his contemporaries did); but ~~although~~ Petitioner had already attained his 55th year in February 1920, and there were no special restrictions, until February 1923, regarding the grant of leave to persons retained in service after that age, petitioner ~~did not~~ thought that he could avail himself of the said concession ~~until~~ when he felt ~~the~~ real necessity for it, in 1925 or 1924, just before retirement.

10. Thus, when the Fundamental Leave Rules came into force in January 1922, there was at petitioner's credit, as set out in his Leave Account, over 3 years' leave (in terms of leave on average pay) but by this time petitioner had, as stated above, already become 55 years old, and so he lost the right of availing himself of more than 6 months' leave subsequently, by reason of the restrictions unexpectedly laid down by the Local Government with regard to ministerial servants by a special notification in February 1923. (vide subsidiary rules under the Fundamental Rule No.86). Out of these 6 months, petitioner had occasion to avail himself of only 5 months and 2 days' leave up-to-date, and he is unable to utilize the benefit of the small balance now left of 28 days' leave prior to retirement, owing to the 2nd condition imposed in the said Subsidiary Rules to the effect that leave can be granted to a ministerial servant after his 55th year only "if after the leave he is expected to return to duty for at least 3 months". This is evidently a very hard condition for old servants like petitioner, and he is now labouring under a distinct disadvantage on that account. For, in case petitioner is obliged to apply for even a short leave hereafter unavoidably, say, owing to any temporary illness or urgent necessity, it will probably entail his compulsory retirement at once even before the due date, (i.e., before 15-2-1925), as it is no longer possible for petitioner to fulfil the said condition of 3 months' duty after the leave, unless he is permitted to continue in service for some time beyond his 60th year.

11. That notwithstanding his unusually long ~~service~~ active service, petitioner will on his retirement get a pension of only about Rs. 67 per month, as the same is, to be calculated on his average emoluments for the last 3 years of his service. This small pension being quite insufficient to cover the cost of his living at Mangalore, petitioner intends to shift his lodgings to Udipi or Kundapur, where living is comparatively cheaper. Petitioner, however, will not be able to break up his establishment at Mangalore till about the end of May or June, as some of his grandchildren are reading in the schools here, and they cannot possibly change their schools, before the end of the school year.

12. That notwithstanding his poor circumstances and the several domestic calamities which befell him from time to time, Petitioner has earnestly and honestly devoted the whole of his life to the service of Government with considerable self-sacrifice, and that ~~thereby~~ he earned the good opinion of all his official superiors throughout.

Petitioner therefore prays that your Honour may be graciously pleased to recommend him for such of the following concessions (if not all of them), as he may fairly and reasonably expect from the benign Government, under the peculiar circumstances detailed above:

(1) To permit petitioner to avail himself, prior to his retirement, of the remaining 28 days' leave or any portion thereof under the ordinary rules, in case of any urgent necessity;

(2) To exempt petitioner from the operation of the aforesaid local rules relating to ministerial servants retained in service after the 55th year, and to grant him, as provided for in the main Rule No.86, leave on full pay (subject to the condition of his producing a medical certificate, if necessary)

for a period of about 2 or 2½ months beyond his 60th year that is to say from 15-2-1925 till the commencement of the next annual vacation. Or, in the alternative, to sanction the petitioner s retention in active service during the said short period;

(3) To permit petitioner also to avail himself of the vacation in combination with the said leave and to postpone his retirement till the re-opening of the Court after the vacation;

(4) To permit petitioner to draw his maximum pay of Rs. 150 before the due date, say, from 1st January next as a special case, and also to calculate his pension on his actual pay at the timeof retirement (instead of on the average emoluments), on the analogy of a similar concession granted to non-gazetted officers drawing less than Rs. 300 per mensem under Fundamental Rule No.87, with regard to the rate of leave salary. since amended.

For which act of kindness, the petitioner will, as in duty bound, ever pray.

Your honour's most obedientservant,

M. Narasimha Rao

Petitioner

Lr. 4960 '24

Ors 1978 15.12.24

Forwarded and strongly recommended. The long, faithful and meritorious service and the exceptional circumstances noted in the application render his case deserving of special and favourable consideration.

M. Saldanha

Subordinate Judge

15.12.24

C.N. 7708) Law (General) Deptt.

From the Registrar, High Court, R.O.C. No. 115/25, dated the 10-2-1925.

Retention in service after 60 years - M. Narayana Rao, Sarishtadar, Sub-Court, Mangalore.

The petitioner's requests are contained at pages 8-9 of c.f. - The High Court is inclined to reject his last prayer and requests very early orders on the first three prayers, as the petitioner is due to retire on the 15th inst. The requests are based purely on personal grounds, and it is therefore for consideration whether they may also be rejected. Please see in this connection G.O. 1497 Law (Genl.) dated 5.5.1924, and the notes thereto.

P. 2 c.f.

Page 1 c.f.

©

J.S. 11.2.25

No case has been made out for any special treatment

11/2

SECRETARY TO GOVERNMENT OF MADRAS 12 FEB 1925 LAW DEPARTMENT

No case at all I think

V.T.K. 11.2

C2

The Subordinate Board must have forwarded this claim.

C.P.R. 12/2/25

A---draft order is submitted below for approval

12.12.25

12.12.25

12/12/25

V.T.K.
12.12

Scott. 11-10(a)—36,502 27-11-23. (6)

Law (General) DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Narayana Rao M MRy—
Sarishtadar, Sub-Court,
Mangalore — retention in
service after 60 years, & cer-
tain others requests — refused

READ AGAIN G.O. No dated 192

" " " " " " 192

READ ALSO:—

C. No. 7708 From the Regr., High Court, No. 1157 Roc, dated 10-2- 192 5.

" " " " " " 192

" " " " " " 192

ORDER.

No. 454 dated 12-2-1925

V.C.
CIB
Misc
Please help
to draft
C.S.
12.2.25

The Govt. do not see any reason to comply with the petitioners requests

12/2

12.2.25

V.T.K.
12.2

To the Hon'ble the C.J.
(with c.f.)

12/2/25

V

DNA 12/2